

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

HTC Corporation, et al.,

Defendants

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Civil Action No. 6:13-cv-507

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

HTC Corporation, et al.,

Defendants

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Civil Action No. 6:15-cv-1155

AT&T MOBILITY LLC’S UNOPPOSED MOTION TO CONSOLIDATE

AT&T Mobility LLC (“AT&T”) moves the Court to consolidate Civil Action No. 6:15-6:15-cv-1155 (“the 1155 case”) with related Civil Action No. 6:13-cv-507 (“the 507 case”). The 507 case is a consolidated patent infringement action filed by Plaintiff Cellular Communications Equipment LLC (“CCE”) against AT&T and other defendants. *See* 6:13-cv-507, Dkt. No 1. The 1155 case solely comprises AT&T’s Motion to Compel compliance with a subpoena that issued from the 507 case to CCE’s parent company, Acacia Research Corporation (“Acacia”). *See*

6:15-cv-1155, Dkt. No. 7-1. Due to Acacia's location in Southern California and the procedural requirements of Fed. R. Civ. P. 45, AT&T was obligated to file its motion with the United States District Court for the Southern District of California. *See id.* at 6-7. However, AT&T submitted that exceptional circumstances warranted transfer of the motion to the Eastern District of Texas. *See* 6:15-cv-1155, Dkt. No. 16 at 4-5. The Court for the Southern District of California agreed, and transferred the motion to this Court, which resulted in the creation of the 1155 case. *See* Dkt. No. 6:15-cv-1155, Dkt. No. 19.

AT&T seeks to consolidate the 1155 case with the 507 case to promote efficiency. The Presiding Judge in the 507 case is familiar with the patents and issues underlying the dispute between AT&T and Acacia. Moreover, AT&T expects to file a motion to compel against CCE in the 507 case that raises similar issues. Acacia and CCE do not oppose consolidation for the purpose of AT&T's existing motion to compel against Acacia. Therefore, AT&T respectfully requests that the Court consolidate the 1155 case with the 507 case, so that the Presiding Judge in the 507 case may decide AT&T's motion to compel against Acacia.

Dated: January 28, 2016

Respectfully submitted,

/s/ Jeffrey D. Comeau

Jeffrey D. Comeau
CA Bar No. 259679
jeffreycomeau@paulhastings.com
Paul Hastings LLP
4747 Executive Drive
Twelfth Floor
San Diego, CA 92121-3114
Telephone: (858) 458-3000
Facsimile: (858) 458-3005

Christopher W. Kennerly
TX Bar No. 00795077
chriskennerly@paulhastings.com
Jonas P. Herrell (pro hac vice)
CA Bar No. 279075
jonasherrell@paulhastings.com
Paul Hastings LLP
1117 S. California Ave.
Palo Alto, CA 94304-1106
Telephone: (650) 320-1800
Facsimile: (650) 320-1900

Trey Yarbrough
TX Bar No. 22133500
trey@yw-lawfirm.com
YARBROUGH WILCOX, PLLC
100 E. Ferguson St., Suite 1015
Tyler, Texas 75702
Telephone (903) 595-3111
Facsimile (903) 595-019

ATTORNEY FOR AT&T MOBILITY LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2016, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey D. Comeau
Jeffrey D. Comeau